



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, FEBRUARY 26, 2007
7:00 P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Robert Brookins, Holy Trinity Church of God

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order. Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. AGENDA: Council Meeting of February 26, 2007.

3. MINUTES: Council Meetings of February 12, 2006

4. CONSENT AGENDA

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

Bill No. 15- establishing a Fire Diversity Board. (Solicitor) *Introduced at the 02/12/07 meeting of Council; discussed at the 02/12/07 and 02/26/07 Committee of the Whole meeting.*

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- amending the Solid Waste Ordinance (Managing Director)

Ordinance- adopting a storm water management plan. (Public Works)

Ordinance- establishing a system of housing permits (Codes/Solicitor)

Ordinance- amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading. (Waltman/Goodman-Hinnershitz)

11. RESOLUTIONS

Resolution- authorizing the Reading Regional Airport Authority to enter into an agreement with the Berks County Industrial Development Authority for the sale of property. **(Councilman Fuhs)** ***Tabled at the 02/12/07 meeting of Council; discussed at the 02/26/07 Committee of the Whole.***

Resolution- authorizing the Mayor to enter into a settlement with the Fire Diversity Board. **(Solicitor)** ***Tabled at the 02/12/07 meeting of Council; discussed at the 02/26/07 Committee of the Whole.***

Resolution- appointing Sandy Hummel as Acting Human Resources Director. **(Council Staff/Solicitor)**

Resolution- appointing Cynthia Sopka as Zoning Administrator. **(Council Staff)**

Resolution- approving the transfer of Councilman Marmarou's salary. **(Council Staff/Solicitor)**

Resolution- retaining an independent attorney to provide legal counsel on all matters related to the proposed sale of Airport Authority property. **(Waltman)**

Resolution- requesting the establishment of a comprehensive city diversity board. **(Waltman)**

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Committee of the Whole- Mon, February 26th, Council Office 5:00p.m.

Regular Meeting-Mon, February 26th, Council Chambers 7:00p.m.

Council Meeting with the Mayor-Wed, February 28th, Mayor's Office 4:00p.m.

Tax Exoneration Hearing-Wed, February 28th, Council Chambers 5:00p.m.

Finance Committee Meeting-Mon, March 5th Council Office 5:00p.m.

Administrative Oversight Committee Meeting-Mon, March 5th, Council Office 5:00p.m.

Council Meeting with the Mayor- Wed, March 7th, Mayor's Office 4:00p.m.

Committee of the Whole-Mon, March 12th, Council Offices 5:00p.m.

Regular Meeting-Mon, March 12th, Council Chambers 7:00p.m.

BILL NO. _____ 2007

AN ORDINANCE

AN ORDINANCE creating the reading FIRE diversity board.

- Whereas: On December 8, 2005, a Federal lawsuit was initiated (*Horne, et al. v. City of Reading*, 05-cv-6334 [E.D. Pa.]), which alleged that the City of Reading Fire Department's recruitment, application, and hiring have resulted in a serious under-representation of African-Americans and other minorities within the Fire Department.
- Whereas: The respective parties to the lawsuit have drafted a proposed consent decree.
- Whereas: Said proposed consent decree will be presented in court for approval.
- Whereas: The proposed consent decree is hereto attached as Attachment "1" and its terms are hereby incorporated by reference.

NOW THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

- SECTION 1. Pursuant to and in accordance with the terms of the Consent Decree (Attachment 1), the City of Reading hereby agrees to and shall:
- a. organize/create a Fire Diversity Board ("FDB") with seven (7) mutually selected uncompensated voting members (and two nonvoting ex-officio members) and mutually select a FDB legal counsel (compensated);
 - b. fund the functions of the FDB;
 - c. provide the FDB with the meeting space and equipment required to carry out its designated functions;
 - d. authorize the FDB to obtain information, data or testimony from any agency or department of the City of Reading, which the FDB deems relevant to function;
 - e. retain and designate a qualified person as Diversity Consultant which may be in the Human Resources Department;
 - f. hold harmless, indemnify and defend the FDB and its members from any actions, regardless of their nature, which may arise

- while the FDB or its respective members are acting in an official capacity; and
- g. adopt all of the terms contained in any Court Order and the underlying consent decree (Attachment "1") as part of this Ordinance.

SECTION 2: This ordinance shall become effective ten days after passage by Council and approval by the Mayor or re-passage by Council over the Mayor's veto as set forth in Home Rule Charter Article II Section 219.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY ADDING A NEW PART 8 TO CHAPTER 6 - CONDUCT REGULATING THE REAL ESTATE ADVERTISEMENTS FOR REAL ESTATE FOR SALE IN THE CITY.

WHEREAS, the City of Reading is a community enjoying many advantages such as affordable housing; and

WHEREAS, the growth of rental housing has increased the pressure on the City's neighborhoods and housing and has put additional strain on our stable residential neighborhoods; and

WHEREAS, the conversion of single family homes and other properties to rental properties has increased quality of life problems such as overcrowding, excess noise, traffic congestion, lack of parking, trash, poor property maintenance and deterioration of housing stock; and

WHEREAS, the City of Reading City Council continues to (1) strengthen the enforcement of the housing and occupancy regulations on rentals and pursue legal action when necessary; (2) increase inspection staff and increase fees so that the inspection program becomes self-supporting; (3) continue to use code enforcement, legislation and appropriate zoning to protect single family residences; and (4) discourage the further conversion of single family homes to rentals; and

WHEREAS, the City of Reading has received complaints regarding advertisements claiming single family dwellings located in the City of Reading could be converted for rental use; and

WHEREAS, the following ordinance will prohibit certain language used in the advertisement of properties for sale in the City of Reading.

NOW THEREFORE, THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading by adding a new Part 8 to Chapter 6 – Conduct regulating the real estate advertisement of properties for sale in the City of Reading.

SECTION 2. Declaration of Purpose. The City of Reading City Council finds that the overabundance of the rental properties in the City is increasing quality of life problems and complaints such as congestion, lack of available parking, noise, increased traffic, trash, etc. Council and the Administration continue to strengthen enforcement efforts on housing problems, including placing a moratorium on the conversion of single

family dwellings to multi-family rentals. Council has had complaints and has seen real estate advertisements informing prospective buyers that properties could easily be converted to multi-family rental properties. Therefore, to protect the quality of life of the City's residential neighborhoods Council, through enactment of this ordinance, restricts certain advertisement practices.

SECTION 3. Prohibiting those selling properties in the City of Reading from using any language that infers or states that these properties be converted to a use that contradicts the City's Zoning Code.

SECTION 4. Requiring the those selling all properties in the City of Reading to alert the potential buyer about requirements pertaining to requirements contained in the City's Codified Ordinances to include but not limited to Chapter 4 Buildings - Historical Districts and Chapter 27 – Zoning.

SECTION 5. Penalty. Failure to comply with the terms of this ordinance shall result in a fine in an amount of no less than \$1,000.

SECTION 6. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

(Councilors Goodman-Hinnershitz and Waltman)

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, Due to overwhelming financial burden, the Reading Regional Airport Authority has determined it necessary to sell assets in order to ensure the continued operation and maintenance of the Reading Regional Airport. The Reading Regional Airport Authority has asked City Council to authorize the Authority to sell 187+ acres, located in the northeast portion of this parcel, to the Berks County Industrial Authority, at terms agreed upon between the Reading Regional Airport Authority and the Berks County Industrial Development Authority; and

WHEREAS, Council takes this action in accordance with Section 5607 (c) of the Municipal Authorities Act, which provides the organizing authority, the City of Reading, with the power to specify the project or projects to be undertaken by the Reading Regional Airport Authority.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING
HEREBY RESOLVES AS FOLLOWS:**

To authorize the Reading Airport Regional Airport Authority to enter into an agreement with the Berks County Industrial Development Authority for the sale of property at terms to be agreed upon by the parties, after proper application and authorization is obtained from the FAA and all other applicable authorities and such documentation is supplied to the City of Reading.

Adopted by Council _____, 2007

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher

R E S O L U T I O N N o. _____

Whereas, the City of Reading through its attorney, Steven K. Ludwig, Esq., entered into negotiations with counsel for plaintiffs Courtney Horne, et al, for resolution of a certain federal civil action (05-CV-6334) in U.S. District Court Eastern Division PA; and

Whereas, said negotiations have resulted in a certain Agreement (attached as Exhibit A) and designated as a Consent Decree; now, therefore,

The Council of the City of Reading hereby resolves as follows:

That the Agreement/Consent Decree is approved and that Mayor Thomas M. McMahon execute said Agreement/Consent Decree (attached as Exhibit A) on behalf of the City of Reading.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

RESOLUTION NO. _____-2007

APPOINTING SANDY HUMMEL AS ACTING DIRECTOR OF HUMAN RESOURCES FOR A PERIOD OF NO MORE THAN 180 DAYS AS REQUIRED BY SECTION 1-183, PART A OF THE ADMINISTRATIVE CODE.

WHEREAS, the Administration has named Sandy Hummel to serve as acting Human Resources Director; and

WHEREAS, the Administrative Code of the City of Reading places clear limits on the length of time an individual may serve in an acting capacity.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That Sandy Hummel shall be appointed Acting Human Resources Director. In accordance with Section 1-186, Part A, of the City of Reading Administrative Code, the Administration shall make a diligent effort to recruit, hire and bring forward for Council confirmation, a permanent Human Resources Director within the 180 day period specified.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

RESOLUTION NO. _____-2007

**APPOINTING CYNTHIA SOPKA TO THE POSITION OF ZONING ADMINISTRATOR
AS REQUIRED BY PART 2 ENFORCEMENT AND ADMINISTRATION, SECTION 27-
201 ZONING ADMINISTRATOR, OF THE CITY OF READING CODIFIED
ORDINANCES.**

WHEREAS, it is the duty of the zoning administrator to promote, protect and facilitate the health and safety of the community by properly interpreting and strictly enforcing the City of Reading Zoning Ordinance; and

WHEREAS, the Zoning Ordinance reflects the policy goals and development objectives of the City of Reading; and

WHEREAS, the zoning administrator is an integral part of the urban development process, and as such must think of inventive methods to facilitate development while preserving the authority of the Zoning Ordinance and maintaining the character of the city and neighborhoods.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:**

Appointing Cynthia Sopak to the position of Zoning Administrator in accordance with Section 27-201 of the City of Reading Codified Ordinances. Council asks Cynthia Sopka to always strive to preserve the character and integrity of the City of Reading in her decisions.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

R E S O L U T I O N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

To retain an independent attorney to provide City Council with comprehensive legal opinions, advice and assistance with matters pertaining to the sale of the airport land, the role of Council and the City in the process to sell this land, and any other ancillary matter concerning the airport land and the Airport Authority.

Adopted by Council _____, 2007

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

(Councilor Waltman)

RESOLUTION NO. _____-2007

**REQUESTING THE ESTABLISHMENT OF A COMPREHENSIVE CITY
OF READING DIVERSITY BOARD TO PROVIDE A MORE DIVERSE
REPRESENTATION IN ALL CITY DEPARTMENTS**

WHEREAS, City Council believes that strong diversity representation in all city departments, related volunteer appointments, and employment opportunities is critical for the long-term success and viability of the City of Reading; and

WHEREAS, City Council believes that the current separate independent diversity boards are ineffective and replicated legal and consultant costs, uncoordinated activities, separate target groups, and separate agendas not functioning under a more comprehensive plan; and

WHEREAS, It is the desire of City Council to take any legislative action necessary to support and fund the development of a comprehensive plan that eliminates obstacles for all applicants who desire to pursue employment with the City of Reading and employs creative efforts that will ensure a more balanced and diverse workforce that fully represents our the Reading community; and

WHEREAS, City Council resolves to create a comprehensive City of Reading Diversity Board, structured with citizen representatives and human relations professionals, to address this important issue in an efficient and focused manner that will provide the most synergetic, effective, and measurable results. This authority shall be and shall be formally structured and created via ordinance in the near future; and

WHEREAS, City Council also resolves to establish this City of Reading Diversity Board and charge its members with the responsibility of establishing realistic and measurable goals to fully integrate a fair and equitable recruitment, application and hiring practice that is non-discriminatory in both purpose and impact for all members of our community in every City Department; and

WHEREAS, For these reasons it is also City Council's will, upon the implementation of the City of Reading Diversity Board, to seek relief from Court Orders that have required the City to use individual diversity boards to address the hiring practices in the Police and Fire Departments, as City Council believes that a concerted focused effort will produce the fairest, highest and most effective benefits for the entire community.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:**

City Council embraces the need for the City's work force to be representative of the Reading Community and recognizes that the most efficient way to achieve this is through the establishment of a single City of Reading Diversity Board charged to establish a comprehensive recruitment, application and hiring procedure for all City Departments. Council hereby declares its intent to draft an ordinance to establish this Board and further declares its desire to seek relief from all Court Orders requiring the use of individual diversity boards who address the hiring practices used in individual City Departments.